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12 Attorneys for Plaintiffs

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14 UNITED STATES DISTRICT COURT

15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 F. G. CROSTHWAITE, et al., as Trustees of  
17 of the OPERATING ENGINEERS' HEALTH  
18 AND WELFARE TRUST FUND, et al.

19 Plaintiffs,

20 v.

21 ERIC STUART SWANSON, Individually  
22 and *dba* ESS ENGINEERING,

23 Defendant.

24 Case No.: C12-2503 SI

25 **REQUEST TO CONTINUE CASE  
MANAGEMENT CONFERENCE;  
PLAINTIFFS' CASE MANAGEMENT  
CONFERENCE STATEMENT;  
[PROPOSED] ORDER THEREON**

26 Date: August 28, 2012

27 Time: 2:30 p.m.

28 Ctrm: 10, 19th Floor

Judge The Honorable Susan Illston

29 Plaintiffs herein respectfully submit their Case Management Statement, requesting that the  
30 Case Management Conference, currently on calendar for August 28, 2012, be continued or vacated  
31 entirely, in anticipation of Plaintiffs filing a Motion for Default Judgment.

32 1. As the Court's records will reflect, a Complaint was filed in this matter on May 16,  
33 2012, to compel Defendant's compliance with the terms of its Collective Bargaining Agreement.

34 2. Service on Defendant was effectuated on May 28, 2012, and a Proof of Service of  
35 Summons was filed with the Court on May 30, 2012.

36 3. On June 22, 2012, the Court entered the default of the Defendant.

1 4. To date, Defendant has failed to plead or otherwise defend or appear in this action.  
2 Therefore, Plaintiffs are currently preparing a Motion for Default Judgment which they anticipate  
3 filing with the Court promptly.

4 5. There are no issues that need to be addressed at the currently scheduled Case  
5 Management Conference. In the interest of conserving costs as well as the Court's time and  
6 resources, Plaintiffs respectfully request that the Case Management Conference, currently  
7 scheduled for August 28, 2012, be vacated, or in the alternative be continued to either coincide  
8 with the date to be set for the Motion or continued for 90 days to allow filing and disposition of  
9 the Motion.

10 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
11 entitled action, and that the foregoing is true of my own knowledge.

12 || Executed this 17th day of August, 2012, at San Francisco, California.

13 SALTZMAN & JOHNSON  
LAW CORPORATION

15  
16 By: /S/Blake E. Williams  
Blake E. Williams  
Attorneys for Plaintiffs

18 | IT IS SO ORDERED.

19 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference is hereby vacated.

on

22 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case  
Management Conference is hereby continued to 10/12/12 @ 3 p.m.. All related  
23 deadlines are extended accordingly.

25 Date: 8/17/12

Susan Illston  
THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT COURT

1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 I am employed in the County of San Francisco, State of California. I am over the age of  
4 eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110,  
5 San Francisco, California 94104.

6 On August 17, 2012, I served the following document(s):

7 **REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE;  
8 PLAINTIFFS' CASE MANAGEMENT CONFERENCE STATEMENT;  
9 [PROPOSED] ORDER THEREON**

10 on the interested parties in said action, by First Class U.S. Mail, by placing a true and exact copy  
11 of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post  
12 Office box in San Francisco, California, addressed as follows:

13 **Eric Stuart Swanson, Individually  
14 and *dba* ESS Engineering  
15 23018 Canyon Terrace  
16 Castro Valley, California 94552**

17 I declare under penalty of perjury that the foregoing is true and correct and that this  
18 declaration was executed on this 17th day of August, 2012, at San Francisco, California.

19 **/S/Vanessa de Fábrega**  
20 **Vanessa de Fábrega**

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